

REMARKS

This Response is submitted in reply to the Office Action dated February 26, 2007. Claims 1, 6, 12 to 14, 17, 18, 20 to 23, 29 to 54, and 56 to 59 have been amended. Claims 19, 24, 28 and 55 have been cancelled. No new matter has been added to the claims. Enclosed is a Petition for a One Month Extension of Time to respond to the Office Action. The Commissioner is hereby authorized to charge deposit account 02-1818 for all fees which are due and owing.

Claim Objections and Rejections – 35 U.S.C. § 112

The Office Action objected to and rejected Claim 21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated the language “first and second selected number of consecutive main rounds are equal and are first and second streak rounds are in play during a single main round” is confusing at least due to the fact that the phrasing is unclear as to metes and bounds of invention.

Applicants have made certain amendments to Claim 21 to overcome the rejection. Also, Applicants voluntarily changed “the same as” to “identical to” throughout several Claims for purposes of antecedent basis.

Claim Rejections – 35 U.S.C. § 102

The Orenstein Patents

Claims 1-13, 16-23, 25-27, 29, 31 and 38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,718,431 to Orenstein (“Orenstein ‘431”). Claims 1-13, 16-28, 30, 38-51 and 53-59 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 5,788,574 or 5,570,885 to Orenstein (“Orenstein ‘574”) (“Orenstein ‘885”). Applicants address these patents together since, in rejecting the claims, the Office Action states similar reasons found in the Orenstein patents.

Amended Claims 1 (and Claims 2 to 13 and 16 to 17 which depend therefrom) and 18 (and Claims 20 and 21 which depend therefrom) include the elements:

"receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and displaying a representation of the first and second streak wagers", and "receiving a first streak wager associated with a first streak round from a player and displaying a representation of the first streak wager" and "receiving a second streak wager associated with a second streak round from said player and displaying a representation of the second streak wager." As disclosed in the specification, a single player can play multiple streak rounds at the same time. "The system, for example, can allow the player to place a first wager on a first streak combination at the beginning of the streak round and place a second wager on the same streak combination after one main round" Also, "more than one streak round can be associated with a single main round."

The Office Action stated that "the invention defined by claim language regarding first, second and/or third wager or streak round (or similar) fails to preclude wagers by multiple players/bettors over successive or simultaneous rounds of play." Also, the Office Action stated that Orenstein '431, '574 or '885 discloses a system including "receiving first and second (and third) streak wager on first and second (and third) streak round . . . ," and "where first, second and third wager/streaks are representative of first, second and third players wagers which can be simultaneous during main rounds of play since players may place proposition [such as streak wager] bets prior to start of any game."

Applicants respectfully disagree with such rejection for at least the reasons set forth below. Applicants submit that none of the Orenstein patents – Orenstein '431, '574 and '885 -- disclose receiving a first streak wager on a first streak round and a second streak wager on a second streak round by a single player. In Orenstein '431, '574 and '885 there are no multiple streak rounds that a player can play simultaneously. Instead, in Orenstein '431, for example, a player can bet on a selected number of consecutive wins for a single primary game.

Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to Claims 1 and 18 to overcome the rejections. For example, amended Claim 1 (and Claims 2 to 13 and 16 to 17 which depend therefrom)

includes, among other elements, "receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and displaying a representation of the first and second streak wagers, wherein the first streak wager is associated with the first streak round having a selected first number of consecutive main rounds and a selected type of outcome for each main round and the second streak wager is associated with the second streak round having a selected number of consecutive main rounds and a selected type of outcome for each main round."

For the reasons stated above, Orenstein '431, '574 and '885 do not disclose a method having the steps above. Applicants respectfully submit that amended Claims 1 and 18 (and Claims 2 to 13 and 16 to 17, and 20 to 21 which depend therefrom), are patentably distinguished over Orenstein '431, '574 and '885.

The Office Action rejected Claim 22 and 38 as anticipated under Orenstein '431, '574 and '885. With regard to such claims, the Examiner made statements regarding the use of structural versus functional elements in apparatus claims. As best understood by Applicants, the Office Action rejected such claims for lack of structural elements. Accordingly Applicants have amended Claims 22 and 38 to add such structure and overcome the rejection.

Amended Claim 22 includes "[a]n apparatus comprising: at least one display device operable to display an image associated with a game, the game being operable upon: (a) at least one game wager receivable by a player, and (b) a plurality of side wagers which are receivable by the player; at least one memory device which stores a plurality of instructions; and at least one processor operable to execute the instructions to: (a) cause the at least one game wager to be received from the player, (b) cause a plurality of the side wagers to be received from the player, (c) enable a plurality of consecutive plays of the game by the player, (d) provide a first award in response to the consecutive plays resulting in a plurality of identical first outcomes, the first award being based on a first one of the side wagers, and (e) provide a second award in response to the consecutive plays resulting in a plurality of identical second outcomes, the second award being based on a second one of the side wagers.

Amended Claim 38 includes "[a]n comprising: at least one display device operable to display: a game image associated with a game operable upon at least one wager by a player, at least one additional image which indicates: (i) an occurrence of any first streak outcomes achieved by the player during a plurality of consecutive plays of the game, and (ii) an occurrence of any second streak outcomes achieved by the player during the plurality of consecutive plays of the game; at least one memory device which stores a plurality of instructions; at least one processor operable to execute the instructions to control the display device."***

For the reasons stated above, Applicants respectfully submit that amended Claims 22 and 38 (and Claims 23, 25 to 27 and 29 to 37 which depend therefrom), are patentably distinguished over Orenstein '431, '574 and '885.

The Office Action rejected Claims 39 and 54 (and Claims 40 to 51, 53 and 56 to 59 which depend therefrom) as anticipated by Orenstein '574 or '885. The Office Action stated that Orenstein '574 or '885 disclose receiving a first and second streak wager on a first and second streak round and displaying a representation of the first and second streak wagers.

Applicants respectfully disagree with such rejection for at least the reasons set forth below. Applicants submit that Orenstein '574 and '885 do not disclose receiving a first streak wager on a first streak round and a second streak wager on a second streak round. In Orenstein '574 and '885 there are no multiple streak rounds that a player can play simultaneously. In Orenstein '574, a player can participate in a side bet by selecting a number of consecutive wins the player hopes to achieve. However, there is only one side bet game that can be played at a time.

Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to Claims 39 and 54 to overcome the rejection. For example, amended Claim 39 (and Claims 40 to 51, 53, 58 to 59 which depend therefrom) includes, among other elements, "receiv[ing] a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and display[ing] a representation of the first and second streak wagers, wherein the first streak wager is associated with the first streak round having a selected

first number of consecutive main rounds and a selected type of outcome for each main round and the second streak wager is associated with the second streak round having a selected number of consecutive main rounds and a selected type of outcome for each main round.”

For the reasons stated above, Orenstein '574 and '885 do not disclose a computer program product having the elements above. Applicants respectfully submit that amended Claims 39 and 54 (and Claims 40 to 51, 53, and 56 to 59 which depend therefrom), are patentably distinguished over Orenstein '574 and '885.

The “Forte” Patent

Claims 1 to 4, 6 to 10, 12 to 13, 15 to 33, 37 to 42, 44 to 48, 50 to 51, and 53 to 59 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,586,766 to Forte (“Forte”). Applicants respectfully disagree with such rejection.

Claim 1 (and Claims 2 to 4, 6 to 10, 12 to 13, 15 to 17), include the following element: “receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and displaying a representation of the first and second streak wagers,” Claim 18 (and Claims 20 to 21) include the following element: “receiving a first streak wager associated with a first streak round from a player” and “receiving a second streak wager associated with a second streak round from said player.” Claim 39 (and Claims 40 to 42, 44 to 48, 50 to 51, 53, 58 and 59 which depend therefrom) include the following elements: receive a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player.” Claim 54 (and Claims 56 and 57 which depend therefrom) include the following elements: “receive a first streak wager associated with a first streak round from a player” and “receive a second streak wager associated with a second streak round from said player.”

The Office Action stated that Forte discloses “receiving first and second (and third) streak wager[s] on first and second (and third) streak round[s].” Applicants respectfully disagree with such rejection for at least the following reasons. Applicants submit that Forte does not disclose multiple streak rounds in which a single player can

participate in multiple streak rounds at once. Forte is directed to a card game system having player counters which count or tally events for betting. For example, Forte discloses status displays which are connected to display player jackpot count values that correspond to the number of consecutive natural hands of blackjack dealt to the players. There are no multiple streak rounds with opportunities for a player to make first and second wagers during main rounds of play.

Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to Claims 1, 18, 39 and 54 to overcome the rejections. For example, amended Claim 1 includes, among other elements, "receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player" For the reasons stated above, Applicants respectfully submit that amended Claims 1, 18, 39 and 54 (and Claims 2 to 4, 6 to 10, 12 to 13, 15 to 17, 20 to 21, 40 to 42, 44 to 48, 50 to 51, 53, and 56 to 59 which depend therefrom), are patentably distinguishable over Forte.

The Office Action rejected Claim 22 and 38 as anticipated under Forte. With regard to such claims, the Examiner made statements regarding the use of structural versus functional elements in apparatus claims. As best understood by Applicants, the Office Action rejected such claims for lack of structural elements. Accordingly Applicants have amended Claims 22 and 38 to add such structure and overcome the rejection.

Amended Claim 22 includes "an apparatus operable under control of at least one processor for wagering on the outcome of a streak game, said apparatus comprising: at least one input device; at least one display device; said display device including positions into which a representation of a wager can be represented at the positions; said at least one processor programmed to operate with said at least one display device and said at least one input device to track progress in a streak round." Similarly, Claim 38 includes "an apparatus operable under control of at least one processor for wagering on the outcome of a streak game, said apparatus comprising: at least one input device; at least one display device, said display device indicating a streak round, the streak round having a number of main rounds associated with the streak round and each of the

main rounds having a position on the display; said at least one processor programmed to operate with said at least one display device and said at least one input device to track progress in a streak round."

For the reasons stated above, Applicants respectfully submit that amended Claims 22 and 38 (and Claims 23, 25 to 27, 29 to 33 and 37 which depend therefrom), are patentably distinguished over Forte.

The Feinberg Patent

Claims 1-13, 15-28, 30-32, 34-35, 37-51 and 53-59 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,851,010 to Feinberg ("Feinberg"). Applicants respectfully disagree with such rejection.

Claim 1 (and Claims 2 to 4, 6 to 10, 12 to 13, 15 to 17), include the following element: "receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and displaying a representation of the first and second streak wagers," Claim 18 (and Claims 20 to 21) include the following element: "receiving a first streak wager associated with a first streak round from a player" and "receiving a second streak wager associated with a second streak round from said player." Claim 39 (and Claims 40 to 42, 44 to 48, 50 to 51, 53, 58 and 59 which depend therefrom) include the following elements: receive a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player." Claim 54 (and Claims 56 and 57 which depend therefrom) include the following elements: "receive a first streak wager associated with a first streak round from a player" and "receive a second streak wager associated with a second streak round from said player."

The Office Action stated that Feinberg discloses "receiving first and second (and third) streak wager[s] on first and second (and third) streak round[s]." Applicants submit that Feinberg does not disclose multiple streak rounds in which a player can participate in multiple streak rounds at once. Feinberg is directed to a method of playing a game that includes a opportunity to wager on one of a first and second outcome for gaming decisions. However, Feinberg does not provide for multiple consecutive streak rounds

with opportunities for a player to make first and second wagers during main rounds of play. Instead, Feinberg discloses wagering on only one of a first and second outcome. For example, in Feinberg, a player can select one of the first and second outcomes for each decision as a side bet. (Col. 5, lines 23-25). As disclosed in Feinberg, in blackjack, each hand dealt a player would provide at least two decisions – red or black. (Col. 5, lines 29-33). The player selects one of red or black as a side bet. (Col. 5, lines 33-35). Accordingly, there are no multiple side bets in Feinberg.

Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to Claims 1, 18, 39 and 54 to overcome the rejections. For example, amended Claim 1 includes, among other elements, “receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from said player and displaying a representation of the first and second streak wagers, wherein the first streak wager is associated with the first streak round having a selected first number of consecutive main rounds and a selected type of outcome for each main round and the second streak wager is associated with the second streak round having a selected number of consecutive main rounds and a selected type of outcome for each main round.”

For the reasons stated above, Applicants respectfully submit that amended Claims 1, 18, 39 and 54 (and Claims 2 to 12, 15 to 17, 20 to 21, 40 to 51, 53, and 56 to 59 which depend therefrom), are patentably distinguished over Feinberg.

The Office Action rejected Claim 22 and 38 as anticipated under Feinberg. With regard to such claims, the Examiner made statements regarding the use of structural versus functional elements in apparatus claims. As best understood by Applicants, the Office Action rejected such claims for lack of structural elements. Accordingly Applicants have amended Claims 22 and 38 to add such structure and overcome the rejection.

Amended Claim 22 includes “an apparatus operable under control of at least one processor for wagering on the outcome of a streak game, said apparatus comprising: at least one input device; at least one display device; said display device including positions into which a representation of a wager can be represented at the positions;

said at least one processor programmed to operate with said at least one display device and said at least one input device to track progress in a streak round.” Similarly, Claim 38 includes “an apparatus operable under control of at least one processor for wagering on the outcome of a streak game, said apparatus comprising: at least one input device; at least one display device, said display device indicating a streak round, the streak round having a number of main rounds associated with the streak round and each of the main rounds having a position on the display; said at least one processor programmed to operate with said at least one display device and said at least one input device to track progress in a streak round.”

For the reasons stated above, Applicants respectfully submit that amended Claims 22 and 38 (and Claims 23 to 28, 30 to 32, 34 to 35, and 37 which depend therefrom), are patentably distinguished over Feinberg.

Claim Rejections – 35 U.S.C. § 103


Claims 14, 34-35 and 52 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Feinberg. In addition, claims 33-34 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feinberg. Applicant respectfully submits that Claims 14, 33 to 36 and 52 are patentably distinguished over Feinberg for reasons similar to those submitted with respect to Claims 1, 22, and 39 and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance, and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY



Renate L. Smith
Reg. No. 45,117
Customer No. 29159

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